

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.:2008-1651-PWS-E TCEQ ID: RN101209914 CASE NO.: 36668
RESPONDENT NAME: RICHARD BILLINGS DBA OAK HILL RANCH WATER COMPANY

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 234 Sandy Oak Drive, Seguin, Guadalupe County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 1, 2009. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC 169, (512) 239-5610
TCEQ Regional Contact: Mr. Tom Haberle, San Antonio Regional Office, MC R-13, (210) 403-4050
Respondent: Mr. Richard Billings, Oak Hill Ranch Water Company, 234 Sandy Oaks Drive, Seguin, Texas 78155
Respondent's Attorney: Not represented by counsel on this enforcement matter.

**RESPONDENT NAME: RICHARD BILLINGS DBA
OAK HILL RANCH WATER COMPANY
DOCKET NO.: 2008-1651-PWS-E**

Page 2 of 2

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: June 2, 2008 and October 14, 2008</p> <p>Date of NOE Relating to this Case: June 3, 2008</p> <p>Background Facts: The EDPRP was filed on February 5, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on February 7, 2009, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent is not yet in compliance. The Respondent owes \$3,553.19 in past-due fees.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year [30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a), and 290.274(c)]. Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 90940085 for fiscal years 1993 through 2008 to the TCEQ in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702]. 	<p>Total Assessed: \$669</p> <p>Total Deferred: \$0</p> <p> <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset </p> <p>Total Due to General Revenue: \$669</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days: <ol style="list-style-type: none"> Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer, and make a good faith effort to deliver to non-bill paying consumers; and Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90940085. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data. Within 60 days, submit written certification to demonstrate compliance with Ordering Provisions Nos. 1 and 2.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	15-Sep-2008	Screening	14-Oct-2008	EPA Due	1-Jun-2006
	PCW	13-Jan-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Richard Billings dba Oak Hill Ranch Water Company
Reg. Ent. Ref. No.	RN101209914
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36668	No. of Violations	2
Docket No.	2008-1651-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$300

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 2.0% Enhancement Subtotals 2, 3, & 7 \$6

Notes: Enhancement is due to one NOV with dissimilar violations as those in the current enforcement action.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$363
Approx. Cost of Compliance \$317 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$306

OTHER FACTORS AS JUSTICE MAY REQUIRE 118.6% Adjustment \$363

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement is due to recover avoided costs.

Final Penalty Amount \$669

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$669

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$669

Screening Date 14-Oct-2008

Docket No. 2008-1651-PWS-E

PCW

Respondent Richard Billings dba Oak Hill Ranch Water Company

Policy Revision 2 (September 2002)

Case ID No. 36668

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101209914

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one NOV with dissimilar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 14-Oct-2008		Docket No. 2008-1651-PWS-E		PCW			
Respondent Richard Billings dba Oak Hill Ranch Water Company				<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36668				<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101209914							
Media [Statute] Public Water Supply							
Enf. Coordinator Christopher Keffer							
Violation Number		<div style="border: 1px solid black; padding: 2px;">1</div>					
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code §§ 290.271(b), 290.274(a) and 290.274(c)</div>					
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers for the years 2004 through 2006 nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2004 through 2006.</div>					
Base Penalty					<div style="border: 1px solid black; padding: 2px;">\$1,000</div>		
>> Environmental, Property and Human Health Matrix							
OR	Harm						
	Release	Major	Moderate	Minor			
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent	<div style="border: 1px solid black; padding: 2px;">0%</div>	
>> Programmatic Matrix							
Matrix Notes	Falsification	Major	Moderate	Minor			
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent	<div style="border: 1px solid black; padding: 2px;">10%</div>	
	100% of the rule requirement was not met.						
Adjustment					<div style="border: 1px solid black; padding: 2px;">\$900</div>		
					<div style="border: 1px solid black; padding: 2px;">\$100</div>		
Violation Events							
Number of Violation Events		<div style="border: 1px solid black; padding: 2px;">3</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px;">730</div>		
mark only one with an x	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>					
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>					
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>					
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>					
	annual	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>					
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>					
Three annual events are recommended for the years in which no CCR or certification of delivery was submitted to the TCEQ or to the consumers.					Violation Base Penalty	<div style="border: 1px solid black; padding: 2px;">\$300</div>	
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>			
		Before NOV	NOV to EDPRP/Settlement Offer				
Extraordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
Ordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
N/A		<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">(mark with x)</div>				
Notes		The Respondent does not meet the good faith criteria for this violation.					
Violation Subtotal					<div style="border: 1px solid black; padding: 2px;">\$300</div>		
Economic Benefit (EB) for this violation							
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$363</div>	Violation Final Penalty Total		<div style="border: 1px solid black; padding: 2px;">\$669</div>		
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px;">\$669</div>		

Economic Benefit Worksheet

Respondent Richard Billings dba Oak Hill Ranch Water Company

Case ID No. 36668

Reg. Ent. Reference No. RN101209914

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$317	1-Jul-2005	1-Jul-2007	2.92	\$46	\$317	\$363
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply, calculated for the years in which no report was distributed.

Approx. Cost of Compliance	\$317	TOTAL	\$363
----------------------------	-------	-------	-------

Screening Date 14-Oct-2008		Docket No. 2008-1651-PWS-E		PCW	
Respondent Richard Billings dba Oak Hill Ranch Water Company		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36668		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN101209914					
Media [Statute] Public Water Supply					
Enf. Coordinator Christopher Keffer					
Violation Number		<div style="border: 1px solid black; padding: 2px;">2</div>			
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702</div>			
Violation Description		<div style="border: 1px solid black; padding: 5px;">Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 90940085 for Fiscal Years 1993 through 2008 to the TCEQ in a timely manner.</div>			
Base Penalty				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
Percent				<div style="border: 1px solid black; padding: 2px;">0%</div>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	
Percent				<div style="border: 1px solid black; padding: 2px;">0%</div>	
Matrix Notes	<div style="border: 1px solid black; height: 40px;"></div>				
Adjustment				<div style="border: 1px solid black; padding: 2px;">\$1,000</div>	
				<div style="border: 1px solid black; padding: 2px;">\$0</div>	
Violation Events					
Number of Violation Events		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Number of violation days		
		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty		<div style="border: 1px solid black; padding: 2px;">\$0</div>
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>			
All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.					
Good Faith Efforts to Comply		0.0% Reduction		<div style="border: 1px solid black; padding: 2px;">\$0</div>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
Ordinary		<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
N/A		(mark with x)			
Notes		<div style="border: 1px solid black; height: 30px;"></div>			
Violation Subtotal				<div style="border: 1px solid black; padding: 2px;">\$0</div>	
Economic Benefit (EB) for this violation					Statutory Limit Test
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px;">\$0</div>		Violation Final Penalty Total	
				<div style="border: 1px solid black; padding: 2px;">\$0</div>	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px;">\$0</div>	

Economic Benefit Worksheet

Respondent Richard Billings dba Oak Hill Ranch Water Company

Case ID No. 36668

Reg. Ent. Reference No. RN101209914

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602894909	BILLINGS, RICHARD	Classification:	Rating:
Regulated Entity:	RN101209914	OAK HILLS RANCH WATER CO	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0940085	
	WATER LICENSING	LICENSE	0940085	
Location:	234 SANDY OAKS DR, GUADALUPE COUNTY, TEXAS			
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	October 16, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 09, 2003 to October 09, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christopher Keffer Phone: 239 - 5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 02/23/2004 (259590)
- 2 08/09/2004 (288505)
- 3 08/29/2008 (687528)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 02/26/2004 (259590)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all water storage facilities in a watertight condition.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan.

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance assessment dates.

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RICHARD BILLINGS DBA
OAK HILL RANCH WATER
COMPANY,
RN101209914

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER DOCKET NO. 2008-1651-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Richard Billings dba Oak Hill Ranch Water Company ("Mr. Billings").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Billings owns and operates a public water supply located at 234 Sandy Oaks Drive, Seguin, Guadalupe County (the "Facility").
2. The Facility has 111 service connections and serves at least 25 people per day for at least 60 days per year and provides water for human consumption. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. During a record review conducted on June 2, 2008, a TCEQ Public Drinking Water Section investigator documented that Mr. Billings failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, Mr. Billings did not mail or directly deliver the CCRs to the Facility's customers for the years 2004 through 2006, nor did Mr. Billings submit the CCR or required certification to the TCEQ for the years 2004 through 2006.

4. During a record review conducted on October 14, 2008, TCEQ Central Office staff documented that Mr. Billings failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 90940085 for Fiscal Years 1993 through 2008 to the TCEQ in a timely manner.
5. Mr. Billings received notice of the violations on or about June 8, 2008.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Billings dba Oak Hill Ranch Water Company" (the "EDPRP") in the TCEQ Chief Clerk's office on February 5, 2009.
7. By letter dated on February 5, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Billings with notice of the EDPRP. According to the return receipt "green card," Mr. Billings received notice of the EDPRP on February 7, 2009, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Mr. Billings received notice of the EDPRP, provided by the Executive Director. Mr. Billings failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Billings is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Billings failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b), 290.274(a), and 290.274(c).
3. As evidenced by Finding of Fact No. 4, Mr. Billings failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 90940085 for Fiscal Years 1993 through 2008 to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702 .

4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Mr. Billings with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 8, Mr. Billings failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Billings and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Billings for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of six hundred sixty-nine dollars (\$669.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Billings is assessed an administrative penalty in the amount of six hundred sixty-nine dollars (\$669.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Billings' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Richard Billings dba Oak Hill Ranch Water Company; Docket No. 2008-1651-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Billings shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Mr. Billings shall:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2007 to each bill paying customer, and make a good faith effort to deliver to non-bill paying consumers, as required by 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and
 - ii. Pay all outstanding fees, including any associated penalties and interest for Financial Administration Account No. 90940085, as required by 30 TEX. ADMIN. CODE § 290.51. The payment shall include the notation "Re: Richard Billings dba Oak Hill Ranch Water Company, Account No. 90940085" and shall be mailed to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Order, Mr. Billings shall submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Order, Mr. Billings shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to

demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Billings. Mr. Billings is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Billings shall be made in writing to the Executive Director. Extensions are not effective until Mr. Billings receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Billings if the Executive Director determines that Mr. Billings has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Peipey Tang. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Richard Billings dba Oak Hill Ranch Water Company" (the "EDPRP") with the Office of the Chief Clerk on February 5, 2009.

I sent the EDPRP to Mr. Billings at his last known address on February 5, 2009 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Mr. Billings received notice of the EDPRP on February 7, 2009, as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Billings received notice of the EDPRP. Mr. Billings failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference."

Peipey Tang
Peipey Tang
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 16 day of March, A.D., 2009.

Margaret Jackson
Notary Signature

